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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,920	11/09/1999	SHRINIWAS OHIA	062891.0320	7304

7590 10/18/2002  
BAKER & BOTTS LLP  
2001 ROSS AVE  
DALLAS, TX 752012980

EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/436,920

Applicant(s)

OHIA, SHRINIWAS

Examiner

Adnan M Mirza

Art Unit

2141

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Please see the attachment for the Examiner's response.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: form (892)

LE HIEN LUU  
PRIMARY EXAMINER

Art Unit: 2141

### **DETAILED ACTION**

Response in detail, to the argument as it was made by the applicant, is as follows:

A. Applicant respectfully requests the Examiner to cite a particular portion of Mitchell that discloses its “management card” as being operable to “establish a communication link between a client and particular one of the first interface card and the second interface card selected in response to a command communicated by the client” and “to communicate management information using the communication link”.

As to point A Mitchell inherently disclosed that Network Management card coupled to Network application cards where proxy agent handles the management of all the Network Application Cards (Mitchell, col. 4, lines 25-34) inherently features can be found in U.S.Pat.No. 5,438,614 to Rozman et al., entitled Modem Management Techniques (col. 44, lines 36-67) and computer acting as a client send a request to proxy agent part of Network management card that sends the management command to the appropriate Network Application Card by setting up the calls with appropriate Network Application Card (col. 47, lines 12-54).

B. Applicant argues the Horn-Mitchell combinations fails to teach suggest, or disclose the limitation of claim 3 “processor is further operable to configure the management information for the operating system of the network device associated with the particular interface card”.

As to point B Mitchell inherently disclosed that Network management card maintains constant communication with all the application cards and do the configuration of the parameters of Network devices (Mitchell, col. 4, lines 25-34) inherently features can be found in U.S.Pat.No. 5,438,614 to Rozman et al., entitled Modem Management Techniques (col. 44, lines 15-35).

Examiner didn't find the arguments very persuasive and final rejection stands.

Application/Control Number: 09/436,920  
Art Unit: 2141

Page 3

Adnan Mirza

Examiner

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a long horizontal flourish extending to the right.

LE HIEN LUU  
PRIMARY EXAMINER